

ADVERSE BY
CITY COUNCIL DEC 03 2001

**Standing committees
AGENDA**

Entered - 04-10-00- sb
CL - 00L0212 ALEXIS HOLMES

01-R-1962

CLAIM OF: **ANNIE THOMAS**
Through her Insurance Company
State Farm Insurance
5301 Snapfinger Park Drive
Decatur, Georgia 30034

For damages alleged to have been sustained as a result of a tree
falling onto her property at 2421 Beecher Road, SW.

THIS ADVERSE REPORT IS APPROVED

BY: Rosalind Rubens Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

DEC 3 2001
ATLANTA CITY COUNCIL

CERTIFIED
DEC 03 2001

DEPUTY MUNICIPAL CLERK

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: _____

CHAIR: _____



**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

December 6, 2001

State Farm Insurance
Insurance Carrier
Attn: Pam Evans
5301 Snapfinger Park Dr.
Decatur, GA 30034

01-R-1962

RE: Annie Thomas

Dear Ms. Evans:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on January 03, 2000. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division at (404) 330-6400.**

Yours very truly,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 00L0212

Date: 11/14/01

Claimant /Victim STATE FARM INSURANCE FOR ANNIE THOMAS

BY: (Atty) _____

Address: 5301 Snapfinger Park Drive Decatur, Georgia 30037-0568

Subrogation: X Claim for Property damage \$ 583.81 Bodily Injury \$ _____

Date of Notice: 3/17/00 Method: Written, proper X Improper _____

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 1/10/00 Place: 2421 Beecher Road, SW

Department PRCA Division: Parks

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: The claimant sustained damages when a tree fell onto her house. In an investigation it was determined that the City did not have notice regarding the hazardous condition of the tree prior to this incident, and therefore, the City is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Other X Written X Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report _____ Other X

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial _____

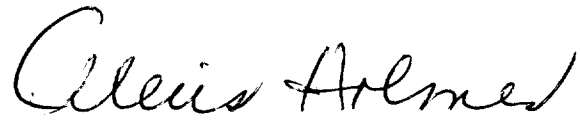
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved _____ Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

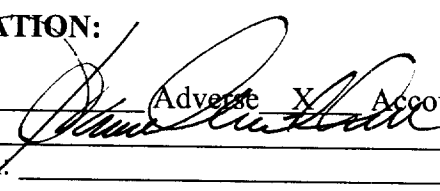
Respectfully submitted,



INVESTIGATOR - ALEXIS HOLMES

RECOMMENDATION:

Pay \$ _____ (Adverse X) Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 11-15-01

Committee Action: _____ Council Action _____

RCS# 3389
12/04/01
1:15 AM

Atlanta City Council

Regular Session

MULTIPLE

Unfavorable Claims: #13 through #22
Except #19
ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 0

#13) 01-R-1947

#14) 01-R-1948

#15) 01-R-1949

#16) 01-R-1950

#17) 01-R-1951

#18) 01-R-1952

#20) 01-R-1960

#21) 01-R-1961

#22) 01-R-1962

NV McCarty	NV Dorsey	Y Moore	NV Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	NV Morris	Y Maddox	Y Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

MULTIPLE